

JUN 15 2021

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

WQCC

_____)
In the Matter of:)

MARISELA ORNELAS, d/b/a)
VISION MOBILE HOME PARK, LLC,)

No. WQCC 21-04 (CO)

Respondent.)
_____)

NEW MEXICO ENVIRONMENT DEPARTMENT'S MOTION FOR A POST-HEARING
ORDER

COMES NOW, the Ground Water Quality Bureau ("Bureau") within the Water Protection Division of the New Mexico Environment Department ("Department" or "NMED"), pursuant to 20.1.3.15 NMAC of the New Mexico Water Quality Control Commission ("WQCC") Adjudicatory Procedures, and respectfully submits this Motion for a Post-Hearing Order setting the due date for the filing of the proposed findings of fact and conclusions of law in this matter on the following grounds:

1. At the conclusion of the June 8, 2021 hearing in this matter, WQCC Counsel, Mr. Robert Sanchez moved for the Department to submit proposed findings of fact and conclusions of law for Respondent's consideration and comment, and then file them with the Office of Public Facilitation. Presumably by oversight, at the conclusion of the hearing, the WQCC moved on to the next agenda item before the Hearing Officer and the parties had an opportunity to set a post-hearing schedule.

2. Pursuant to 20.1.3.21(B) NMAC, the proposed findings and conclusions are due "within 30 days after conclusion of the hearing, or within such time as may be fixed by the

hearing officer.”

3. The transcript of the June 8 hearing has not yet been filed by the court reporter.
4. All of the testimony in this matter was given in-person by the Department’s witnesses and by Respondent. No testimony was pre-filed.
5. An accurate representation of the hearing will only be found in the certified transcripts, which are necessary in order to capture the relevant portions of the testimony and cross examination for the proposed findings and conclusions.
6. Giving the Department thirty days after the filing of the transcript to draft the proposed findings and conclusions is reasonable.
7. Giving respondent fifteen days to review and comment on the proposed findings and conclusions is reasonable and fulfills the intent of WQCC counsel on this issue.
8. Requiring the findings of fact and conclusions of law to be filed with the Office of Public Facilitation forty-five days after the filing of the transcript is reasonable and will fulfill the intent of the WQCC on this issue.
9. Respondent did not respond by the time of this filing to the Department’s inquiry regarding Respondent’s position on this motion.

For the reasons stated above, the Department respectfully requests that the Hearing Officer enter a Post-Hearing Order setting the due date for the filing of the proposed findings of fact and conclusions of law forty-five days after the filing of the transcript.

/s/ Chris Vigil
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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2021, a true and accurate copy of this Motion for a Post-Hearing Order was served by email on Respondent at the following addresses:

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/s/ Chris Vigil
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